



648.43120CX1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: MAKINO et al

EXPEDITED PROCEDURE

Serial No.: 10/812,087

Filed: March 30, 2004

For: Vacuum Processing Apparatus

Art Unit: 1763

Examiner: K. Moore

**REQUEST FOR RECONSIDERATION AFTER FINAL REJECTION**

Mail Stop: Box AF Response (Fee)

June 5, 2006

Commissioner For Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

The following remarks are respectfully submitted in connection with the above-identified application, in response to the Office Action dated January 3, 2006.

The Examiner, Ms. Moore, is thanked for the courtesy extended applicants attorney during the interview of May 10, 2006 during which time the non-applicability of the cited art to the claimed invention was discussed.

The rejection of claims 7 - 19 under 35 USC 103(a) as being unpatentable over US Patent No. 6,889,627 to Hao in view of US Patent No. 5,641,375 to Nitescu et al is traversed, and reconsideration and withdrawal of the rejection are respectfully requested.

As to the requirements to support a rejection under 35 USC 103, reference is made to the decision of In re Fine, 5 USPQ 2d 1596 (Fed. Cir. 1988), wherein the court pointed out that the PTO has the burden under '103 to establish a prima facie case of obviousness and can satisfy this burden only by showing some objective

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